

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner. Reconsideration and allowance are requested.

No new matter has been added by the amendments. No new issues are raised by the amendments.

Initially, it is noted that neither Claim 16, nor Claim 30 has been treated in the body of the recent Office action. Applicant points out that Claims 16 and 30 were amended in a Response filed June 5, 2003. In that response, both Claim 16 and Claim 30 were made to depend from independent Claim 46. Thus, Claims 16 and 30 each depend from a non-canceled, independent claim and should not be "withdrawn" from consideration.

By this Response, Claims 31, 46 and 47 have been amended, and Claims 35 and 36 have been canceled. The subject matter from canceled Claims 35 and 36 has been incorporated into independent Claims 31, 46 and 47. Claims 3-18, 25, 26, 28, 30-34 and 36-47 remain pending, with Claims 17, 31, 37, 46 and 47 being independent Claims.

The indication by the Examiner that Claims 17, 18, 37 and 38 are allowed is noted with appreciation.

All of the pending Claims are allowable.

Claims 31, 32, 33 and 34 are patentable under 35 U.S.C. 103(a)

over Krauer et al. (US 4,966,047) in view of Patterson (US 3,950,005)

The patent to Krauer et al. discloses a handlebar-mounted cable control for a bicycle brake, which includes a twist-type tubular handle member that is inserted over and coaxially rotatable about the end of the handlebar. With regard to Applicant's amended independent Claim

31, Krauer et al. does not disclose a clipper for locking the handle at desired positions, wherein the clipper may lock the handle into a position to thereby form a parking brake.

Recognizing this deficiency in Krauer et al., the Examiner has turned to the teaching of Patterson. Patterson discloses a brake apparatus for a wheelbarrow. The brake mechanism has an operating means associated with the handlebar. The operating means includes a tubular hand grip 35 having a cylindrical hand receiving member 36, slidably mounted on the handlebar 16. The hand receiving member 36 includes means for locking the hand grip 35 in a forward position where the brake shoe 25 is out of engagement with the wheel 15. The locking means comprises an elongate bayonet slot 38 having a straight portion 38a and a curved portion 38b and an engaging pin 39. The operator can use this locking means to keep the brake from engaging the wheel, so that the wheelbarrow can move freely.

The Examiner believes that it would have been obvious to modify the twist-type handlebar mounted brake control of Krauer et al. by including a locking mechanism as taught by Patterson. Applicant does not agree. In this regard, the control mechanism of Patterson is not a twist-type mechanism, but a sliding mechanism. Thus, the Patterson means for locking the sliding brake control would not work on the Krauer et al. twist mechanism, and would not serve to lock the brake at all. Further, the Patterson device is designed for the express purpose of locking the handle so that the brake is in the release position, wherein the brake is not being applied, and expressly teaches away from locking the brake in an engaged position to form a parking brake.

Since the Patterson device could not be used to modify the Krauer et al. mechanism, and since the Patterson device teaches away from using a locking device to form a parking brake, there can be no incentive or motivation to combine Krauer et al. and Patterson and arrive at

Applicant's claimed invention, as urged by the Examiner. Therefore, the rejection of Claims 31-34 under 35 U.S.C. 103(a) over Krauer et al. and Patterson is improper and should be withdrawn.

The patents to Miyazaki et al. and Burbank, applied by the Examiner in rejecting dependent Claims 39-45 have been reviewed, however, Applicant can find nothing therein that supplies or overcomes what is lacking in the basic above-noted combination of Krauer et al. and Patterson. Thus, the rejections of dependent Claims 39-45 under 35 U.S.C. 103(a) over combinations of Krauer et al., Patterson, Miyazaki et al. and Burbank are also improper and should be withdrawn.

Claims 46, 3-16, 28 and 30 are patentable under 35 U.S.C. 103(a) over
Miyazaki et al. (6,173,799) in view of Krauer et al. (US 4,966,047)
and Patterson (US 3,950,005)

Krauer et al. and Patterson have been discussed above. The patent to Miyazaki et al. discloses a motor assisted single-wheel cart. Also, disclosed is a brake and a brake control mechanism, which includes a hand lever 12 mounted on the handlebar. The Examiner believes that it would have been obvious to modify the Miyazaki et al. cart by providing a twist-type brake control mechanism as taught by Krauer et al., and to further modify the brake control mechanism by providing locking means to form a parking brake, as taught by Patterson.

As noted above, Applicant disagrees with the Examiner's reasoning because Patterson fails to provide a teaching of a locking means on a twist-type brake control, and because Patterson teaches away from providing a locking means that forms a parking brake. Miyazaki et al. provides no help in supplying what is lacking in Patterson, and therefore there can be no incentive or suggestion to modify the applied references to arrive at Applicant's claimed

invention, as the Examiner urges. Thus, the rejection of the Claims based on a combination of Miyazaki et al., Krauer et al. and Patterson under 35 U.S.C. 103(a) is improper and should be withdrawn.

Claims 47, 25 and 26 are patentable under 35 U.S.C. 103(a) over
Miyazaki et al. (US 6,173,799) in view of Krauer et al. (US 4,966,047),
Burbank (US 5,690,191) and Patterson (US 3,950,005)

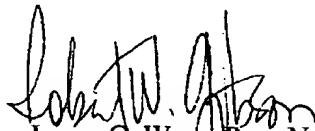
The patents to Miyazaki et al., Krauer et al. and Patterson are discussed above. The patent to Burbank has been applied by the Examiner to show a wheelbarrow with a braking system, where the system includes a frame mounted caliper and a disc brake. However, as discussed above, Burbank provides nothing to supply or overcome what is lacking in the above noted basic combination of references. In particular, none of the applied references teaches or suggests a locking means on a twist-type control mechanism, which operates to lock the brake in an "applied" condition to form a parking brake. As previously discussed, Patterson, which has been applied by the Examiner to show a brake control locking means, could not operate on a twist-type control, and is designed to lock the control in a position that would prevent the brake from being applied, which is the converse of Applicant's claimed invention. There is no suggestion or incentive provided in any of the applied references to modify Miyazaki et al. and arrive at Applicant's claimed invention, as urged by the Examiner. Therefore, the rejection of the Claims under 35 U.S.C. 103(a) over Miyazaki et al. in view of Krauer et al., Burbank and Patterson is improper and should be withdrawn.

This application has been revised to more particularly define Applicant's invention. Reconsideration of the claims in light of the amendments and for the above-noted reasons is respectfully requested.

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,



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